

CHAPTER: V <b>TECHNICAL ELIGIBILITY</b>	SECTION: 11 <b>DEAP/TCA PROGRAM</b>	COMAR: <b>07.03.03.08</b>
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## REQUIREMENTS

- A. The Disability Entitlement Advocacy Program for Temporary Cash Assistance (DEAP/TCA) is designed to provide state-funded cash assistance to TCA adults and children with a 12 or more month disability, while assisting them with the Supplemental Security Income (SSI) application process.
- B. The Family Investment case manager screens TCA adults and children at application and recertification to determine if a disability is claimed by the adults or children in the assistance unit and if the impairment will limit access to employment, daily routine activities, or educational opportunities.
- A. If an impairment is claimed, the case manager gives the customer a **Medical Evaluation Form DHR/IMA 402-B** to be completed by a licensed physician that shows the diagnosis and the expected length of the disability
- B. If the applicant has no medical coverage or does not have the resources to obtain a medical report to verify a disability, the case manager may use the **Purchase Authorization and Invoice DHR/IMA 312** to pay physicians \$60 for an examination and up to \$40 for lab work.

**Note:** Applicants or recipients with Medical Assistance can take medical forms to their respective Managed Care Organizations (MCO) for verification of a disability. It is more cost effective than to issue a voucher, include this activity as part of the Independence Plan with deadlines for returning the medical information after the case is approved.

The case will open as a federally funded TCA case. When a 12-month medical is returned, code the DEM2 and UINC screens appropriately on CARES. The correct coding will identify the case for state-funded TCA.

Complete **Form 340** and **SSA 1696** during the initial interview, so the individual will not have to return to the local department.

- 1. If the individual has Medical Assistance, the case manager sends that person to the Managed Care Organization (MCO)
- D. The following individuals are mandatory DEAP/TCA and the case is State-funded when:
  - 1. The medical shows a disability of 12 or more months or an illness that will result in death
  - 2. Consecutive medical reports equal 12 months of disability

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**Note:** When a disabled individual is in State-funded TCA solely because that individual is an immigrant who is not eligible for federally funded assistance, do not refer that person to DEAP/TCA because that person is also not eligible for SSI.

**Note:** The non-parent caretaker relative with no natural or adopted children in the assistance unit is not mandatory DEAP/TCA but may volunteer for DEAP services.

E. The mandatory DEAP/TCA customer must:

1. Sign an **Interim Payment Reimbursement form (DHR/IMA 340)** to allow the State to recover TCA benefits, paid on behalf of the individual, that are concurrent with the period covered by an SSI lump sum payment
2. Cooperate with DEAP to determine if there is potential eligibility for SSI and Social Security Disability Insurance (SSDI)

**Note:** Interim assistance cannot be recovered from Social Security Disability Insurance. Apply TCA lump sum policies.

3. Apply for SSI/SSDI if potentially eligible
4. Provide all information needed to determine SSI/SSDI eligibility by continuing to actively cooperate with DEAP or by pursuing an SSI/SSDI application independently
5. Cooperate with and participate in vocational rehabilitation services, if required by the local department

F. The individual referred to DEAP remains in DEAP/TCA:

1. While pursuing the SSI/SSDI application through DEAP, on his own, or through a representative, such as a lawyer
2. Until the eligibility decision is made, or
3. As long as the denial for SSI/SSDI is being appealed

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- G. If the mandatory individual (or in the case of a child, the adult caretaker) fails to meet any of the requirements for a mandatory DEAP/TCA customer, deny the application or impose a full-family sanction
1. Initiate a 30-day conciliation period when an individual in an active case is not cooperating
    - The family is entitled to one conciliation period, but
    - The case manager must look into the reasons for not cooperating prior to imposing any sanctions
      - a. If good cause is established, do not impose sanction
      - b. Examples of good cause include hospitalization or an inability to obtain needed appointments
  2. Lift the sanction when the individual begins to cooperate

**Note:** Do not refer DEAP/TCA individuals to the State Review Team to determine if they are eligible for federal medical assistance as disabled. They are already entitled to federal medical assistance as TCA customers.

## OTHER ELIGIBILITY CRITERIA

- A. The families in the DEAP/TCA program are:
1. Exempt from TCA work requirements and time limits
    - If the disabled individual wants to work, the case manager must screen the person and make referrals to work programs even if the work programs must make special accommodations
      - Denial of the opportunity to work or access training is in violation of the Americans with Disabilities Act of 1990
  2. Required to meet all other technical and financial TCA requirements
  3. Entitled to:
    - A separate 30-day conciliation period for not cooperating with child support and one for not complying with substance abuse screening and treatment requirements
    - Federally funded Medical Assistance

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- The same TCA benefit amounts as federally funded TCA cases
- B. These eligibility criteria apply to all members of the assistance unit, not just the disabled individual

## **REFERAL PROCESS**

- A. Include the following documents in the DEAP referral packet:
1. **Authorization to Represent (SSA-1696)** – all copies intact with the following completed:
    - Name of the individual referred– at top of the form
    - Social Security Number – at the top of the form
    - Signature of the individual referred – Part I
    - Address (complete) – Part I
    - Telephone Number – Part I
    - Date (current) – Part I
    - Representative’s Name – Part I – completed only if the customer already has a representative

**Note:** Copy the SSA-1696 for the case record. DEAP will supply a copy to the customer after the DEAP representative has signed it.

2. **Interim Payment Reimbursement Authorization (DHR/FIA 340 – Revised 1/99)** – Original only
  - Distribute as follows:
    - a. White (original) to DEAP
    - b. Yellow to local Finance Office
    - c. Pink – retain in case record – do not retire until SSI begins
    - d. Goldenrod – to the customer
3. **Medical Evaluation Report (DHR/FIA 402-B)** – copy only
  - Retain original in the case record
4. **TCA Supplemental Medical Evaluation Form (DHR/FIA/DEAP-TCA – 334 A for adults and 334 B for children)** – copy only
  - Retain original in the case record

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5. All medical documentation received prior to the referral
    - Immediately forward any medical information received after the referral to DEAP
  6. Vocational rehabilitation referral if the local department requires this referral through DEAP
- B. Mail referrals to DEAP at:
- Disability Entitlement Advocacy Program  
301 North Charles Street – Suite 100  
Baltimore, Maryland 21201

### **MONITORING DEAP/TCA STATUS**

- A. DEAP monitors the SSI/SSDI application and appeal process for all customers they represent
  1. DEAP mails a monitoring report to the DEAP contact person in each local department each month, prior to the 10<sup>th</sup> of the month, for information only
  2. Case managers may access the DEAP database:
    - Through computer inquiry access if the local department is an electronic site
    - Through the DEAP staff if the local department is a staffed site
    - By calling DEAP at 410-332-0185 or 1-800-727-6454
- B. The case manager monitors all customers with a representative other than DEAP
  1. 810 is the status code on the report
  2. Set a **745 Alert** to follow up every 3 months

### **DEAP CLOSINGS**

- A. DEAP will close its case and withdraw as representative when:
  1. DEAP determines the individual is ineligible for SSI
  2. The customer is not cooperating
  3. The SSI/SSDI application is denied and all appeals have been exhausted
  4. The customer is approved for SSI/SSDI

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- B. DEAP notifies the local department DEAP contact person when cases are closed
- C. When DEAP closes the case, the case manager takes one of the following actions:
1. Codes the UINC screen to show that the SSI application was denied which will change the case to federally funded TCA, if DEAP determines the individual is not SSI eligible or the application is denied and all appeals have been exhausted
    - Time limits begin
    - Work requirements are instituted
  2. Closes the case (all members) with a full-family sanction if the mandatory customer is not cooperative
    - Allow the 30-day conciliation period for the first instance of non-cooperation
    - Investigate the reasons for non-cooperation any time the customer is not cooperating
    - Do not impose a sanction if good cause is established
  3. Removes the individual only from the TCA case if approved for SSI or both SSI and SSDI
    - Code CARES with the individual's SSI or SSI/SSDI income, SSI approval date and approval source to remove the individual from the TCA assistance unit
      - a. If there are no other disabled individuals in the family, the remaining assistance unit members will be in federally funded TCA
      - b. Disregard the current income and retroactive lump sum payments of the SSI or SSDI and SSI customer when calculating the grant for the remaining assistance unit members
    - Add the new income for the food stamps case
    - Close the individual's TCA Medical Assistance and open SSI Medical Assistance

**Note:** If an individual receives \$1.00 of SSI, that person is a SSI customer. Disregard all income of the SSI person when calculating eligibility for the other TCA family members.

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4. Calculates the TCA benefit using SSDI income if the customer is approved for SSDI only –see SSDI Lump Sum in this section
  - The individual remains in the assistance unit
  - In most instances the individual will receive a lump sum which will cause the case to be ineligible for at least one month

### **VOLUNTARY DEAP PARTICIPANTS**

- A. The following individuals may be referred to DEAP if they wish to pursue SSI and want DEAP representation:
  1. Individuals with medical reports that indicate a disability lasting less than 12 months
  2. Disabled non-parent caretaker relatives with no children in the assistance unit – this is already a state-funded case
- B. The case manager does not impose any penalties or sanctions if the volunteer does not cooperate with the SSI application process
- C. Volunteers are not considered DEAP/TCA

### **INTERIM ASSISTANCE LUMP SUMS**

- A. When the **Form 340** is in effect at the Social Security Administration (SSA), the lump sum retroactive SSI benefits are sent to the local department's finance office in:
  1. A single payment if the amount is less than 12 times the Federal Benefit Rate (FBR)
  2. Installment payments if the amount is more than 12 times the FBR
    - The first payment is 12 times the FBR
    - The second payment is the remainder, not to exceed the first installment
    - The third payment is made if there is any remainder
- B. SSA sends the local department finance office the **SSI Income Notice of Interim Assistance Reimbursement (SSA-L8125-F6)** which provides a monthly breakdown of the customer's retroactive payment

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- C. The finance office sends an **Alert 804** with the message, "SSI Approved- Check possible closure/adjustment" to the case manager, who removes the individual from the TCA assistance unit
  
- D. The finance office retains from the lump sum the amount of TCA paid for that individual for each month for the period beginning with the month that person applied for SSI and ending with the month the SSI payment began
  1. If the initial month of SSI payment is prorated, the amount of TCA recovered for that month is also prorated
  2. If the individual is not SSI eligible for each month, only TCA payment made for concurrent months of eligibility are recovered
  3. SSI cannot be recouped prior to July1, 1999, which is the effective date of the DEAP/TCA program
  
- E. The finance office sends the SSI customer the remainder of the lump sum payment within 10 working days of receipt of the lump sum

<p><b>Note:</b> If the individual dies before SSI eligibility is determined or the excess lump sum is distributed, the state can retain an amount equal to the interim assistance. The excess is returned to SSA</p>
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## SSDI LUMP SUM

- A. When the customer is eligible only for SSDI, that individual remains in the assistance unit, and any retroactive lump sum payment is treated like other unearned income lump sum
  1. To determine the period of ineligibility:
    - Add the lump sum amount to other income (net income) received in the month
    - Divide the total by the maximum benefit amount for the assistance unit size to get the number of months of ineligibility
    - Any remainder is income for the month after ineligibility ends



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2. The period of ineligibility begins with the month following the end of the adverse action notice period

**Example:**

Ms. Watts receive \$700 lump sum SSDI and on-going monthly benefits of \$100. The maximum TCA benefit for the assistance unit size is \$310.

- $\$700 + \$100 = \$800$
- $\$800 / \$310 = 2$  months with \$180 remaining
- The family is ineligible for 2 months and \$180 is countable unearned income in the 3<sup>rd</sup> month plus \$100 on-going SSDI

- B. If the customer is eligible for both SSI and SSDI:
  1. The Fiscal Office recovers the TCA interim assistance payments from the SSI
  2. The case manager removes the customer from the assistance unit
  3. The case manager disregards the SSI excess and SSDI lump sums when determining TCA benefits for the remaining household members

**CASE MANAGEMENT TIPS**

- A. If an individual with less than a 12-month disability fails to bring in another medical report at the end of that period, the individual loses the exemption for work activities
- B. If an individual who has a disability that lasts 12 months or longer does not provide another medical after the specified time:
  1. Notify DEAP about the change in status
    - The case will no longer be DEAP/TCA since there is no current medical on CARES
  2. Require the individual to participate in work activities as there is no longer an exemption

**Note:** Always notify DEAP, using local procedures, when a DEAP/TCA case is no longer active or is not longer DEAP/TCA.

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## EXAMPLES

Example 1. Ms. Blue applied for assistance for herself and her 3 children. Ms. Blue has a degenerative disease. She had applied for SSI, but was denied. Ms. Blue provides a medical report confirming that she is permanently disabled.

- The case is DEAP/TCA
- Ms. Blue must complete and sign all appropriate forms and cooperate with DEAP

Example 2. Mr. and Mrs. Green have received assistance for themselves and their son, Gregg for 6 months. Mr. Green has now brought in his 2<sup>nd</sup> consecutive medical report stating that he is not able to work for 6 months. Mrs. Green is in a training course, which will be completed in 10 months.

- The case is now DEAP/TCA because Mr. Green's consecutive medical reports equal 12 months
- Mr. Green must complete and sign all appropriate forms and cooperate with the DEAP process for the case to remain active
- Mrs. Green is no longer required to meet the work requirements because the case is DEAP/TCA, but is encouraged to do so

Example 3. The Redd family received TCA through the state-funded DEAP/TCA program from January – November. Ms. Redd is approved for SSI in November.

- Ms. Redd was removed from the TCA case effective December after sending her the adverse action notice
- The remaining family members remain eligible for TCA
- The Food Stamp case is adjusted to decrease the TCA income (done automatically by CARES) and the case manager enters the SSI income
- Ms. Redd's individual Medical Assistance case is closed as TCAMA and reopened as SSI MA
- The Fiscal Office in the local department will retain Ms. Redd's portion of the TCA grant from January – November from the SSI lump sum and send her the remainder

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Example 4. Ms. Orange received assistance for herself and 2 children. During the application process, she provided a medical report confirming that she was unable to work for 7 months. During the recertification process, she said she still was not able to work, but did not return the medical.

- This case was not DEAP/TCA, but Ms. Orange was exempt from work requirements
- Ms. Orange is now required to participate in work activities as she is no longer exempt due to disability

Example 5. Ms. Purple received TCA in the state-funded DEAP/TCA program from February – November for herself and 6 children. On November 10<sup>th</sup>, she was awarded \$100 of SSI and \$400 of SSDI per month for herself. Each of her 6 children were awarded \$50 per month of SSDI, for a monthly total of \$300. Ms. Purple received a \$4,000 SSDI lump sum and a \$1,000 SSI lump sum for herself. The children together received a \$3,000 SSDI lump sum.

- Ms. Purple is removed from the assistance unit, closed in TCA MA and opened in SSI MA
- The Fiscal Office retained Ms. Purple's portion of the TCA grant for the February – November period from the SSI lump sum only
- The children's eligibility was determined using the lump sum policy for their SSDI lump sum benefits. Ms. Purple's lump sum income was not considered because she is an SSI customer
  - \$3000 lump sum + \$300 monthly benefit = \$3,300
  - \$3,300 / \$600 (maximum benefit for 6 – example purposes only) = 5 months with \$300 remainder
  - The children are ineligible from December ( after adverse action) through April and \$300 is applied to May's grant if they reapply for May

**Note:** If the maximum benefit remained at \$600, the case would also be ineligible for May because the \$300 regular SSDI benefit plus \$300 remaining from the lump sum equals \$600. The children are eligible for \$300 per month beginning in June.

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Example 6. Mrs. Yellow provided a 12-month medical report during the application process and the case was certified as DEAP/TCA. Mrs. Yellow did not keep the original or rescheduled recertification appointments. When she was finally seen, during the last month of her certification period, she did not have a new medical report. She stated she did not need help getting the verification. The report had still not been submitted by the end of the certification period.

- Mrs. Yellow has no proof that she is currently disabled, so no longer qualifies as DEAP/TCA
- Mrs. Yellow is now required to participate in work activities
- Change the coding on CARES to show that the individual no longer has a current disability

Example 7. Ms. Pink received assistance for herself and her 8 children in the DEAP/TCA program from January – August. On July 25<sup>th</sup>, Ms. Pink was notified that she is eligible for SSDI of \$600 per month and her children will receive a total of \$200 per month or \$25/child. She received a lump sum of \$4800 for herself and \$1600 for her children.

- The state cannot recoup from SSDI
- The lump sum policy is applied using all the lump sum income and since Ms. Pink is not SSI, she remains in the unit.
  - $\$4800 + \$1600 + \$800 \text{ monthly benefit} = \$7200$
  - $\$7200 / \$1100$  ( Maximum benefit for 9 = example purposes only) = 6 months ineligible plus \$600 applied to the next month
  - The case is ineligible from September ( month after adverse action period expired) through February and \$600 is applied to the March grant if the family reapplies

Example 8. Ms Pink applies for TCA again in April. Her income and family members are the same.

- Ms Pink and her children are eligible for a monthly grant of \$300, which is \$1100 maximum benefit minus \$800 monthly SSDI
- The \$600 remainder from the lump sum only applied to March and cannot be carried over to another month – If Ms. Pink had reapplied in March, income for that month would be overscale (\$600 remainder plus \$800 monthly benefit = \$1400

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### **ADDITIONAL INFORMATION**

- Financial Eligibility – lump sums
- Sanctions – Conciliation Process
- Family Investment Program Components - State-funded Programs
- Work and Education – Basic Requirements